

Appl. No.: 10/656,695
Reply to Office Action of: 07/19/2005

REMARKS

In view of the last office action, claim 1 has been amended above to remove the features of claim 4 previously added to claim 1 in the last amendment. The features of claim 4 have been reintroduced as new claim 28. The only reason the features of claim 4 were previously added to claim 1 is because the examiner had indicated that the claim would be allowable. Since the examiner is now not allowing the claim, the limitations have been removed from claim 1.

Claims 1 and 5 were rejected under 35 U.S.C. §102(b) as being anticipated by Reese (US 3,727,059). The examiner is requested to reconsider this rejection.

Reese does not anticipate the features of claim 1. Reese discloses a container for transporting radioactive materials. Claim 1, on the other hand, is directed to an aircraft component. The aircraft component comprises a first section adapted to be attached at an exterior surface of an aircraft to close an access opening through the exterior surface. Nowhere in Reese is there a disclosure or suggestion of an aircraft component comprising a first section adapted to be attached at an exterior surface of an aircraft to close an access opening through the exterior surface.

First, Reese is not analogous art. The examiner is directed to MPEP 2141.01(a). The examiner must determine what is "analogous prior art" for the purpose of analyzing the obviousness of the subject matter at issue. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of

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applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.

In the present case, Reese is directed to a container for transporting radioactive materials. Clearly, this is not in the field of applicants' endeavor (aircraft electronics). Likewise, there is nothing in Reese to suggest it is reasonably pertinent to the particular problem with which the inventors were concerned (an aircraft heat sink for electronics). Reese is clearly not analogous art.

Second, the examiner's failure to give patentable weight to the term "...adapted to be attached at an exterior surface of an aircraft to close an access opening through the exterior surface" is in error. The examiner must evaluate the claim as a whole. The examiner is directed to MPEP §2173.05(g). A function limitation is an attempt to define something by what it does, rather than by what it is. There is nothing inherently wrong with defining some part of an invention in functional terms. A functional limitation must be evaluated and considered, just like any other limitation of the claim. In the present case it is clear from the record that the examiner has not been reviewing claim 1 "as a whole". In the event the examiner continues to not give patentable weight to the term "...adapted to be attached at an exterior surface of an aircraft to close an access opening through the exterior surface" applicants will proceed with an appeal to have the rejection reviewed by the Board of Appeals.

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For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain, the examiner is invited to call applicants' attorney at the telephone number indicated below.

Respectfully submitted,

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10/12/05
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